



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6169 of 2019
and W.M.P. (MD) .No.4935 of 2019

WEB COPY

1.K.Raja Dhas
2.S.Sathu Sunder Singh,
3.V.Balakrishnan
4.R.John Rajasekar

...Petitioners

Vs.

1.The Secretary to Government,
Panchayat and Rural Development Department,
Secretariat,
Fort St. George,
Chennai - 9.

2.The Director,
Rural Development and Panchayat,
Panagal Building,
Saithapet,
Chennai.

3.The District Collector,
Kanniyakumari District,
at Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ Certiorarified mandamus, to call for the records on the files of the 3rd respondent pertaining to its order bearing Se.mu.No.E7/48790/2018 dated 30.01.2019 and to quash the same and consequently direct the 1st respondent to grant promotion to the petitioners to the post of Junior Assistant from the date, on which they become eligible and grant all monetary and service benefits consequent to the same in accordance with G.O.(Ms).No.189, dated 10.06.1997, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

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2.The petitioners herein claim promotion to the post of Junior Assistant from the date of their eligibility together with all benefits in accordance with the G.O.Ms.No.189, Rural Development (E5) Department, dated 10.06.1997, which prescribes a minimum experience of 7 years in the present post in order to place the employee for consideration under 10% reservation for promotion.

3.According to the respondents, the crucial date for promotion to the post of Junior Assistant for the panel year 2013 - 2014 is on 15.03.2013 and that none of the petitioners herein had completed 7 years of qualifying service in their present post as on the crucial date. However, it is now stated that subsequently, the first and second petitioners herein have qualified themselves to be considered for the promotion to the post of Junior Assistant and accordingly, the promotion orders have also been issued on 30.06.2020 for the panel year 2016-2017 and on 31.10.2020 for the panel year 2018-2019 respectively. Insofar as the petitioners 3 and 4 are concerned, the learned Additional Government Pleader, submitted that these two candidates will also be considered at appropriate time in the turn. Since the respondents had not earlier considered the petitioner's request for promotion on the ground that they had not qualified themselves as on the crucial date of the panel year 2013-2014 i.e., on 15.03.2013, I do not find any infirmity in their inaction to promote the petitioners.

4.However, in view of the submissions made by the learned Additional Government Pleader, that two of the petitioners have already been promoted and that the other two persons, who are now under the zone of consideration at the appropriate time, no further orders are required to be passed in the present writ petition.

5.Recording the submissions of the learned Additional Government Pleader, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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3.The District Collector,
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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-12044[F] dated
18/03/2021)

+1 CC to M/s.SPL GP (SR-12181[F] dated 18/03/2021)

W.P. (MD) No.6169 of 2019

17.03.2021

TP (CO)

TR(16.04.2021) 3P 6C